

GENERAL ORDINANCE NO. G- 12-91

AN ORDINANCE amending the City of
Fort Wayne Zoning Ordinance.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1: That Sec. 33-3, subsection (a) Accessory
Building and Use be deleted in its entirety and replaced
with the following new subsection:

(a) Accessory Structure(s); accessory use(s)

(i) An accessory structure is a combination of up to two

(2) structures, that:

a) are clearly incidental to and customarily found in
connection with a principle building or use;

b) are subordinate to and serving a principle building
or use;

c) are subordinate in total area, extent or purpose to
the principle building or use;

d) contribute to the comfort, convenience or necessity
of the occupants in the principle building or use;

e) are located on the same lot or development parcel as
the principle building;

f) are located between the rear of the main building and
the rear lot line, with the exception that a detached
garage may be located between the front of the main
building and the rear lot line.

(ii) an accessory use is a use that:

a) is clearly incidental to and customarily found in
connection with a principle use;

b) is subordinate to and serves a principle use;

c) contributes to the convenience or necessity of the
occupants of the principle use; and

d) is located on the same lot or development parcel as

the principle use.

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage and approval by the mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay, City Attorney

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

ZONING ORDINANCE AMENDMENT NO. G-_____

AN ORDINANCE amending the City of
Fort Wayne Zoning Ordinance.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1: That Sec. 33-3, subsection (a) Accessory
Building and Use be deleted in its entirety and replaced
with the following new subsection:

(a) Accessory Structure(s); accessory use(s)

(i) An accessory structure is a combination of
structures, not exceeding three, that are:

a) clearly incidental to and customarily found in
connection with a principle building or use;

b) is subordinate to and serves a principle building or
use;

c) is subordinate in total area, extent or purpose to
the principle building or use;

d) contributes to the comfort, convenience or necessity
of the occupants in the principle building or use; and

e) is located on the same lot or development parcel as
the principle building.

f) with the exception of a detached garage the accessory
structure shall be located between the rear of the main
building and the rear lot line.

(ii) an accessory use is a use that is:

a) clearly incidental to and customarily found in
connection with a principle use;

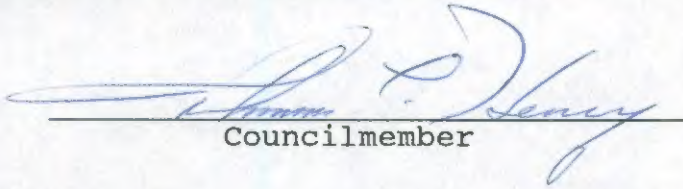
b) is subordinate to and serves a principle use;

c) contributes to the convenience or necessity of the
occupants of the principle use; and

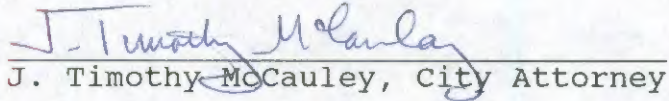
d) is located on the same lot or development parcel as
the principle use.

#464

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage and approval by the mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. Timothy McCauley, City Attorney

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

Read the first time in full and on motion by Henry, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 3-12-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Bradbury, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>			<u>1</u>
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GIAQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>				<u>✓</u>
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 4-9-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 12-12-91 on the 9th day of April, 1991

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of April, 1991, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of April, 1991, at the hour of 10:00 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

#464

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Amends the Zoning Ordinance definition for accessory structure(s) and use(s).

2
6-9-91-03-14

EFFECT OF PASSAGE Allows up to three (3) accessory structure(s), and limits their placement on a lot: (Accessory structures must be located between the rear of the main building and the rear lot line, with the exception of a detached garage.

EFFECT OF NON-PASSAGE Definitions stay the same, resulting in continued variance request for more than one (1) accessory structure. Currently the ordinance only allows one (1) accessory structure.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

G-91-03-14

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

N/A

Reason for Project

Amends the Zoning Ordinance definition for accessory structure(s) and use(s).

Discussion (Including relationship to other Council actions)

18 March 1991 - Public Hearing

Larry Magliozzi, Senior Planner with Land Use Management, Division of Community & Economic Development appeared before the Commission. Mr. Magliozzi stated that this particular amendment expands the number of accessory uses permitted to include those that have generally been approved by the Board of Zoning Appeals. He stated that in addition it clarifies the language between accessory uses and structures and gives a clear intent of the purpose behind an accessory use or an accessory structure. He stated that the Commission should note that the ordinance was introduced by Council with an upper limit of three (3) accessory structures without having to go to the Board of Zoning Appeals. He stated that they are proposing now that it be reduced to two (2) accessory structures. He stated that the staff report does reflect two (2) accessory structures.

There was no one else present who wished to speak in favor of or in opposition to the proposed text amendment.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

City Plan Commission

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date March 4, 1991

Projected Completion or Occupancy

Date March 26, 1991

Fact Sheet Prepared by

Patricia Biancaniello

Date March 26, 1991

Reviewed by

Date 3-28-91

Reference or Case Number

BILL NO. G-91-03-14 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) _____ amending the
City of Fort Wayne Zoning Ordinance _____

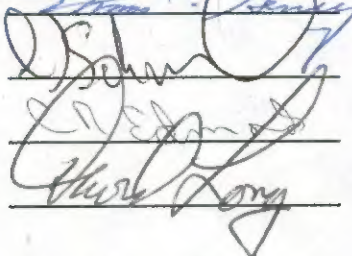
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC



DATED: 4-9-91.

Sandra E. Kennedy
City Clerk

RESOLUTION OF ZONING ORDINANCE TEXT AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1991 referred a proposed text amendment, which proposed amendment was designated as Bill No. G-91-03-14; and,

WHEREAS, the required notice of public hearing on such proposed amendment has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed amendment on March 18, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this amendment be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held on March 25, 1991.

Certified and signed this
26th day of March 1991.



Robert Hutner
Secretary